

REMARKS

By this amendment, Applicants have amended the specification to correct minor typographical errors and to specify the well-known abbreviations. Applicants have also amended claim 1 to include the features of claim 2, which the Examiner considered to be allowable. Claims 4 and 5 have been amended as recommended by the Examiner. Claim 7, which the Examiner considers allowable, has been amended in independent form to include the features of claim 1. Claims 8 and 9 have been amended to recite process steps and to depend from claim 1. Support for this amendment can be found in the specification, for example, at pages 3 and 4 and claim 6. New claim 10 has been added to include the wall thickness of 0.7 mm to 1.5 mm, which was recited in original claim 2, now canceled. New claim 11 recites a FKS 16 Pt alloy, which was originally recited in claim 5 and is presented in a separate dependent claim. These claim amendments and new claims 10 and 11 do not add new matter. Applicants respectfully request entry of these amendments and allowance of the pending claims.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 2 would be allowable if rewritten to overcome the 112 2nd paragraph rejection and that claim 7 would be allowable if rewritten in independent form. In response, Applicants have incorporated the features of allowable claim 2 into claim 1 and have rewritten claim 7 in independent form.

Rejection Under 35 U.S.C. § 101

Claims 8 and 9 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

The Examiner has the initial burden of showing that the claims are not directed to statutory subject matter. Applicants respectfully submit that the Examiner has not met this burden. Nevertheless, Applicants have amended claims 8 and 9 to further recite positive process steps in the claimed methods. Applicants respectfully submit that the claims fully comply with 35 U.S.C. §101 and request withdrawal of this rejection.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected as allegedly indefinite: claim 2 for reciting the “0.7mm to 1.5mm” range, claim 4 for reciting “the lower section”, claim 5 for reciting “preferably”, and claims 8 and 9 for failing to recite positive steps. Applicants respectfully disagree with the Examiner and submit that the claims are clear to a person of ordinary skill in the art upon reading the specification. However, solely to expedite prosecution, Applicants have amended claims 4, 5, 8, and 9 to clarify the alleged indefinite phrases and to recite positive steps in claims 8 and 9. Claim 2 has been canceled without disclaimer. Accordingly, Applicants request reconsideration and withdrawal of the rejections based on 35 U.S.C. § 112, second paragraph.

Rejection Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1 and 6 under 35 U.S.C. 102(b) as allegedly being anticipated by Simmons (US Patent 2,750,161) and/or Takei (US Patent 6,308,534). Applicants respectfully traverse this rejection.

To establish a *prima facie* case of anticipation under 35 U.S.C. §102(b) the Examiner has the burden of establishing that each and every element of the claims is disclosed in the cited prior art reference. Applicants respectfully submit that the Examiner has not met this burden. Nevertheless, solely to expedite prosecution, Applicants have amended claim 1 to recite the features of allowable claim 2. Claim 6 depends from claim 1 and now includes these allowable features as well. Accordingly, Simmons and/or Takei do not anticipate the claims and Applicants request that the rejection under 35 U.S.C. §102 be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §103(a)

The Examiner rejected claims 3-5 under 35 U.S.C. §103(a) for allegedly being obvious over Takei. Applicants respectfully traverse this rejection.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) the Examiner has the burden of establishing that one of ordinary skill in the art would use the cited reference to solve the problem faced by the inventors. *KSR International Co. v. Teleflex Inc.* 127 S. Ct. 1727, 1734. Applicants respectfully submit that the Examiner has not met this burden. Nevertheless, solely to expedite prosecution, Applicants have amended claim 1 to recite the features of

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allowable claim 2. Claims 3-5 depend on claim 1 and now include the allowable features of claim 2. Accordingly, Applicants respectfully submit the claims cannot be considered obvious over any of the cited references alone or in combination. Applicants request that this rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

Reconsideration and allowance are respectfully solicited.

No fee is believed to be due for filing this amendment. If any additional fee is due for filing this amendment, please charge our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,

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